



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष २, अंक २१]

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असाधारण क्रमांक २९

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Land Revenue Code (Second Amendment) Bill, 2016 (L. A. Bill No. XIV of 2016) introduced in the Legislative Assembly on the 4th April 2016, is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

PRAKASH H. MALI,
Secretary (Legislation)
to Government,
Law and Judiciary Department.

L. A. BILL No. XIV OF 2016.

A BILL

further to amend the Maharashtra Land Revenue Code, 1966.

WHEREAS it is expedient further to amend the Maharashtra Land Revenue Code, 1966, for the purposes hereinafter appearing ; it is hereby enacted in the Sixty-seventh Year of the Republic of India as follows :—

Mah.
XLI of
1966.

1. This Act may be called the Maharashtra Land Revenue Code (Second Amendment) Act, 2016. Short title.

Insertion of
a section
29A in
Mah. XLI
of 1966.

Conversion
of
occupancy
of certain
Government
lands.

2. After section 29 of the Maharashtra Land Revenue Code, 1966, the following section shall be inserted, namely :—

Mah.
XLI of
1966.

“**29A.** Notwithstanding anything contained in sections 20, 31, 35 and 38, but save as otherwise provided in the Maharashtra Tenancy and Agricultural Lands Act, the Hyderabad Tenancy and Agricultural Lands Act, 1950, the Maharashtra Paragana and Kulkarni Watans (Abolition) Act, the Maharashtra Service Inams (Useful to Community) Abolition Act, the Hyderabad Abolition of Inams and Cash Grants Act, 1954, the Maharashtra Merged Territories Miscellaneous Alienations Abolition Act, the Maharashtra Tenancy and Agricultural Lands (Vidarbha Region) Act, the Maharashtra Inferior Village Watans Abolition Act, the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 and the Maharashtra Revenue Patels (Abolition of Office) Act, 1962, the respective prescribed Competent Revenue Authority in respect of different categories of lands granted by the Government on Class-II occupancy or on leasehold rights, may convert the occupancy of any land belonging to such category of lands, granted on Class-II occupancy or leasehold rights, as may be prescribed, into Class-I occupancy, on payment of such conversion premium and after following such procedure and subject to such terms and conditions, as may be prescribed for different categories of lands.”.

LXVII of
1948.
Hyd. Act
XXI of
1950.
LX of
1950.
LXX of
1953.
Hyd. Act
VIII of
1955.
XXII of
1955.
XCIX of
1958.
I of 1959.
Mah.
XXVII of
1961.
Mah.
XXXV of
1962.

STATEMENT OF OBJECTS AND REASONS.

Section 29 of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966) describes classes of persons holding lands from the State as Occupants Class-I, Occupants Class-II and Government lessees.

The Government lands are generally granted to various persons or organizations on occupancy Class-II or on lease. The lands declared as surplus lands under the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 and lands granted under various other Acts are also granted on Occupants-Class-II tenure.

For transfer or change of user of such lands, permission of the Competent Revenue Authority under the relevant law is required, which, in turn, very often requires payment of *Nazrana* or unearned income. Owing to this requirement, while transferring or developing such land, the occupant or the grantee has to seek permission of the Competent Revenue Authority, and any delay in obtaining such permission delays transfer or, as the case may be, development of such land.

In the overall context of economic development of the State, it is necessary to promote "Ease of Doing Business" and from that point of view, it seems necessary to create an enabling legal mechanism which would allow such class of the Occupants Class-II or Government lessees, as may be prescribed by the Government by rules, to get their lands converted to Occupants Class-I tenure by paying such premium and by following such procedure and subject to such terms and conditions as the Government may prescribe by rules, so that the subsequent process of transfer and development of such lands becomes speedier and smoother, without the hindrance of obtaining permission of the Competent Revenue Authority for every such transfer or change of use.

Hence, it is proposed to insert a new section 29A in the Maharashtra Land Revenue Code, 1966, which will enable the Government to take appropriate action for securing the above objectives.

Since the Government lands are granted or leased for different types of users in urban as well as rural areas, it has been decided to constitute a Committee under the Principal Secretary (Revenue), Government of Maharashtra, to study, in detail, as to which category of Government lands should be considered for conversion of tenure and, to formulate detailed procedural guidelines in this regard, which would form the basis of the rules to be framed subsequently.

2. The Bill seeks to achieve the above objectives.

Mumbai,

Dated the 31st March 2016.

EKNATHRAO KHADSE,

Minister for Revenue.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposals for delegation of legislative power, namely :—

Clause 2.—Under this clause, which seeks to insert a new section 29A in the Maharashtra Land Revenue Code, 1966, power is taken to the State Government to prescribe, by rules,—

(a) the Competent Revenue Authorities for different categories of lands, granted by the Government on Class-II occupancy or on leasehold rights, who may convert occupancy of any land belonging to such categories of land into Class-I occupancy ;

(b) different categories of lands granted by the Government on Class-II occupancy or on leasehold rights which may be converted into Class-I occupancy ; and

(c) the conversion premium to be paid for the purpose and the terms and conditions and the procedure to be followed for such conversion for different categories of such Government lands.

2. The above-mentioned proposals for delegation of legislative power are of normal character.